

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

MARCH 15, 2011

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Massa called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Guthrie. Executive Secretary Dunsmore, Staff Attorney Melissa Coxey and Major Poindexter were also in attendance.

Marc Carmichael, John Barnett, Connie Vickery, Greg Genrich, Lisa McKinney, Trent Hahn, Trevor Vance, Alex Intermill, Nicole Upano, Jeff McKean, Debbie Rolfsen, Bart Herriman, and Mark Webb were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the March 1, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the March 15, 2011 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Commissioner Guthrie seconded. The motion was unanimously approved.

Four hundred thirty-seven (437) permits approved for renewal, fifty-nine (59) new and/or transfer permits approved, two (2) permits approved for catering, six (6) permits approved for first year escrow,

five (5) permits approved for second year escrow, four (4) permits approved for third year escrow, two (2) permits approved for fourth year escrow, one (1) permit approved for fifth year escrow and one (1) permit approved for sixth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Commissioner Guthrie seconded. The motion was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL61-27628 MINI MART STORES, INC.- Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL61-27629 MINI MART STORES, INC.- Commissioner Guthrie noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR29-27153 RB & MAS, LP, D/B/A DOUBLE APPLE LOUNGE – Commissioner Guthrie noted this is a new type 209 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated there is no audio recording of the local board meeting because it was erased in error.

Commissioner Guthrie moved to remand this new application to the local board, so an audio recording can be made of the hearing. Commissioner Sturtz seconded. The motion was unanimously approved.

DL45-13168 R & L SEARS CUT-RATE LIQUOR STORES, INC. – Commissioner Guthrie noted this is a type 217 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board feels this establishment has become a public nuisance.

Commissioner Guthrie moved to uphold the local board and deny the renewal. Vice Chairman Johnson seconded. The motion was unanimously approved.

RR45-07355 INFINITY BAR AND GRILL, LLC – Commissioner Guthrie noted this is a type 210 transfer of ownership application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board feels this establishment has become a public nuisance, due to the number of crimes committed on the premises.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer of ownership. Commissioner Sturtz seconded. The motion was unanimously approved.

RC74-07709 THE RUSTIC, LLC - Commissioner Guthrie stated this permit is currently a type 211-3 club permit. The permittee requests the Commission convert it to a type 209 restaurant permit.

Commissioner Guthrie moved to approve the conversion. Vice Chairman Johnson seconded. The motion was unanimously approved.

### **INACTIVE FILES**

INACTIVE FILES- Vice Chairman Johnson moved to make fifty-six (56) permits inactive. Forty-three (43) permits are not subject to auction and thirteen (13) permits are subject to auction. Commissioner Guthrie seconded. The motion was unanimously approved.

### **OLD BUSINESS**

No Old Business

### **NEW BUSINESS**

No New Business

### **POLICY DETERMINATIONS**

No Policy Determinations

### **ANNOUNCEMENTS**

No Announcements

### **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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MARK S. MASSA, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER